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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT POOLEY,

Defendant.

CASE NO. 2:21-CR-111 WBS

STIPULATION REGARDING TRIAL SETTING
AND EXCLUDABLE TIME PERIODS UNDER
SPEEDY TRIAL ACT; [PROPOSED] FINDINGS
AND ORDER

DATE: February 6, 2024
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. This matter was previously set for trial to begin on February 6, 2024.
2. By this stipulation, the defendant now moves to continue the trial until May 14, 2024, and to exclude time between February 6, 2024, and May 14, 2024, under Local Code T4.
3. The parties agree to and request that the Court order the following schedule.
 - a) Any motions pursuant to Rule 12 of the Federal Rules of Criminal Procedure shall be filed by February 5, 2024.
 - b) Any oppositions to Rule 12 motions shall be filed by February 19, 2024.
 - c) Any reply briefs in further support of Rule 12 motions shall be filed by February 26, 2024.

1 d) The Trial Confirmation Hearing and Motion Hearing on any Rule 12 motions
2 shall be held on March 4, 2024 at 9:00 a.m.

3 e) Trial shall begin at 9:00 a.m. on May 14, 2024. The parties estimate trial will take
4 approximately 11 full trial days.

5 4. The parties agree and stipulate, and request that the Court find the following:

6 a) The discovery produced so far includes approximately 22,291 Bates-stamped
7 pages of documents, as well as additional discovery amounting to more than 6 terabytes made
8 available to the defense. All of this discovery has been produced directly to counsel and/or made
9 available for inspection and copying. This month the government will begin review of Jencks
10 Act materials and plans to produce that prior to trial. The process of conducting pre-trial
11 interviews of witnesses will likely also generate additional discovery, which will require time to
12 review and analyze.

13 b) Both defense counsel will require substantial time to review the discovery and
14 prepare for trial. Ms. Crager recently stepped up to first chair on this case, following the former
15 first chair's departure from the Office of the Federal Defender. Ms. McLoughlin filed an
16 association of counsel to join the case on August 28, 2023.

17 c) Defense counsel desire additional time to consult with their client, to review the
18 current charges, to conduct investigation and research related to the charges, and to review
19 discovery for this matter, and otherwise prepare for trial.

20 d) Counsel for defendant believe that failure to grant the above-requested
21 continuance would deny them the reasonable time necessary for effective preparation, taking into
22 account the exercise of due diligence.

23 e) Based on the above-stated findings, the ends of justice served by continuing the
24 case as requested outweigh the interest of the public and the defendant in a trial within the
25 original date prescribed by the Speedy Trial Act.

26 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
27 et seq., within which trial must commence, the time period of February 6, 2024 to May 14, 2024,
28 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]

1 because it results from a continuance granted by the Court at defendant's request on the basis of
2 the Court's finding that the ends of justice served by taking such action outweigh the best interest
3 of the public and the defendant in a speedy trial.

4 g) Nothing in this stipulation and order shall preclude a finding that other provisions
5 of the Speedy Trial Act dictate that additional time periods are excludable from the period within
6 which a trial must commence.

7 IT IS SO STIPULATED.

8
9
10 Dated: September 22, 2023

PHILLIP A. TALBERT
United States Attorney

11
12 /s/ KATHERINE T. LYDON
KATHERINE T. LYDON
Assistant United States Attorney

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14
15 Dated: September 22, 2023

/s/ MIA CRAGER
MIA CRAGER
Counsel for Defendant
ROBERT POOLEY

16
17
18
19 **[PROPOSED] ORDER**

20 IT IS SO FOUND AND ORDERED this ____ day of _____, ____.

21
22
23 THE HONORABLE William B. Shubb
SENIOR UNITED STATES DISTRICT JUDGE